

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 127 - SB 689

February 27, 2013

SUMMARY OF BILL: Creates an additional statute of limitations for rape, aggravated rape, rape of a child, and aggravated rape of a child when the accused is identified through DNA analysis. An accused can be prosecuted up to one year after the date on which the accused is identified through DNA analysis.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$1,851,400/Incarceration*

Assumptions:

- Currently, the statute of limitations for rape of a child and aggravated rape of a child is the date the child turns 18 years of age plus 25 years. The statute of limitations for aggravated rape is 15 years and eight years for rape. *See* Tenn. Code Ann. § 40-2-101(b), (h), and (i).
- According to the Department of Correction (DOC), the bill would result in additional admissions equal to five percent of their current admissions for rape, aggravated rape, rape of a child, and aggravated rape of a child.
- Aggravated rape of a child, rape of a child, and aggravated rape are Class A felonies. Rape is a Class B felony.
- According to the DOC, there has been an average of 0.2 admissions for aggravated rape of a child, 55.4 admissions for rape of a child, 23.9 admissions for aggravated rape, and 53.4 admissions for rape each year for the past 10 years. It is assumed by the DOC, that the bill would result in the following additional admissions:
 - Zero admissions for aggravated rape of a child ($0.20 \text{ admissions} \times .05 = 0 \text{ admissions}$);
 - Three admissions for rape of a child ($55.4 \text{ admissions} \times .05 = 3 \text{ admissions}$);
 - One admission for aggravated rape ($23.9 \text{ admissions} \times .05 = 1 \text{ admission}$); and
 - Three admissions for rape ($53.4 \text{ admissions} \times .05 = 3 \text{ admissions}$).
- The bill would result in four additional Class A felony admissions and three additional Class B felony admissions.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- According to the DOC, the average time served for a Class A felony is 15.78 years.

- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on four offenders serving 15.78 years (5,763.65 days) for a total of \$369,853 (\$64.17 x 5,763.65 days). The cost for four offenders is \$1,479,412 (\$369,853 x 4).
- According to the DOC, the average time served for a Class B felony is 5.29 years.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on three offenders serving 5.29 years (1,932.17 days) for a total of \$123,987 (\$64.17 x 1,932.17 days). The cost for three offenders is \$371,961 (\$123,987 x 3).
- The total incarceration cost is \$1,851,373 (\$1,479,412 + \$371,961).
- According to the District Attorneys General Conference and the District Public Defenders Conference can accommodate any impact to their caseloads within existing resources without an increased appropriation or a reduced reversion.
- According to the Administrative Office of the Courts, any impact on its caseloads can be accommodated within existing resources without an increased appropriation or reduced reversion.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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